United Nations S/2011/392

Security Council

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English
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Letter dated 27 June 2011 from the Secretary-General addressed to the President of the Security Council

I have the honour to transmit to you the attached letter dated 8 June 2011 from Mr. Patrick Robinson, President of the International Tribunal for the Former Yugoslavia (see annex).

In his letter, Mr. Robinson requests the extension of the terms of office of the judges at the International Tribunal for the Former Yugoslavia based on the trial and appeals schedule. The current terms of office of the judges of the Trial Chambers and the Appeals Chamber will expire on 31 December 2011 and 31 December 2012, respectively. I recall that the Security Council and the General Assembly, in resolution 1931 (2010) and decision 64/416 C, respectively, underlined their intention to extend, by 30 June 2011, the terms of office of the trial judges based on the Tribunal's projected trial schedule.

Mr. Robinson also requests that eight ad litem judges be permitted to serve at the Tribunal beyond the cumulative period of three years provided for under article 13 ter, paragraph 2, of the statute of the Tribunal. However, it may not be necessary to grant this request while the extension granted by Security Council resolution 1931 (2010) and General Assembly decision 64/416 C continues to apply.

It is for the Security Council and the General Assembly to consider and decide on these requests. Accordingly, I should be grateful if you would bring the letter from Mr. Robinson to the attention of members of the Security Council.

(*Signed*) **BAN** Ki-moon

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Please recycle

Annex to the letter dated 27 June 2011 from the Secretary-General addressed to the President of the Security Council

[Original: English]

I have the honour of referring to Security Council resolution 1931 (2010) of 29 June 2010, in which the Council: (a) extended the terms of office of the judges of the Appeals Chamber until 31 December 2012 or until the completion of the cases to which they are assigned or until the completion of their term as members of the Appeals Chamber, if sooner; (b) extended the terms of office of the permanent judges of the Trial Chambers until 31 December 2011 or until the completion of the cases to which they are assigned, if sooner; (c) extended the terms of office of the ad litem judges of the Trial Chambers until 31 December 2011 or until the completion of the cases to which they are assigned, if sooner; (d) allowed certain ad litem judges to serve at the Tribunal beyond the cumulative period of service provided for under article 13 ter (2) of the Statute of the International Tribunal for the Former Yugoslavia; and (e) underlined the Council's intention to extend, by 30 June 2011, the terms of office of the trial judges based on the Tribunal's projected trial schedule and requested the President of the Tribunal to submit to the Council updated trial and appeal schedules no later than 15 May 2011.

By the present letter, I wish to submit updated trial and appeal schedules[a] and to bring to your attention the necessity of extending the terms of office of the Tribunal's permanent and ad litem judges. Permission is also required for some of the ad litem judges to serve at the Tribunal beyond the cumulative period of service provided for under article 13 ter (2) of the Statute of the Tribunal.

Having due regard to the Tribunal's current anticipated completion dates for all trial and appellate work, and considering General Assembly resolution 63/256 of 24 December 2008, which authorizes the Tribunal "to offer contracts to staff, in line with dates of planned post reductions in accordance with the relevant prevailing trial schedules", I am requesting extensions of the terms of office of the Tribunal's judges commensurate with those that the General Assembly has authorized for the Tribunal's staff.

By reference to the attached trial and appeal schedules (see enclosures), the following extensions are sought:

Permanent judges

An extension until 31 December 2014 or at the completion of the trials and/or appeals to which they are or will be assigned, if sooner, is sought for the following judges:

Judge Kwon (Republic of Korea)
Judge Antonetti (France)
Judge Hall (Bahamas)
Judge Delvoie (Belgium)
Judge Morrison (United Kingdom)

[a] The updated trial and appeal schedules were also submitted on 12 May 2011 in the most recent completion strategy report of the Tribunal (see S/2011/316).

An extension until 31 December 2015 or at the completion of the trials and/or appeals to which they are or will be assigned, if sooner, is sought for the following judges:

Judge Flügge (Germany)
Judge Orie (Netherlands)
Judge Moloto (South Africa)

An extension until 31 December 2014 or at the completion of the appeals to which they are or will be assigned, if sooner, is sought for the following judges:

Judge Robinson (Jamaica)
Judge Pocar (Italy)
Judge Liu (China)
Judge Meron (United States of America)
Judge Agius (Malta)

Ad litem judges

An extension until 31 December 2012 or at the completion of the trials to which they are currently assigned, if sooner, is sought for the following judges:

Judge Picard (France)
Judge Harhoff (Denmark)
Judge Gwaunza (Zimbabwe)
Judge Prandler (Hungary)
Judge Trechsel (Switzerland)
Judge Nyambe (Zambia)

An extension until 31 December 2014 or at the completion of the trials to which they are currently assigned, if sooner, is sought for the following judges:

Judge Baird (Trinidad and Tobago)
Judge Lattanzi (Italy)

An extension until 31 December 2015 or at the completion of the trials to which he is or will be assigned, if sooner, is sought for the following judge:

Judge Mindua (Democratic Republic of the Congo)

Additionally, the following judges require permission to serve at the Tribunal beyond the cumulative period of service provided for under article 13 ter (2) of the Statute of the Tribunal:

Judge Picard (France)
Judge Harhoff (Denmark)
Judge Gwaunza (Zimbabwe)
Judge Prandler (Hungary)
Judge Trechsel (Switzerland)
Judge Baird (Trinidad and Tobago)
Judge Lattanzi (Italy)
Judge Mindua (Democratic Republic of the Congo)

I would be grateful if you would bring the present letter and its enclosures to the attention of the Security Council and the General Assembly for their consideration.

(*Signed*) Patrick **Robinson**

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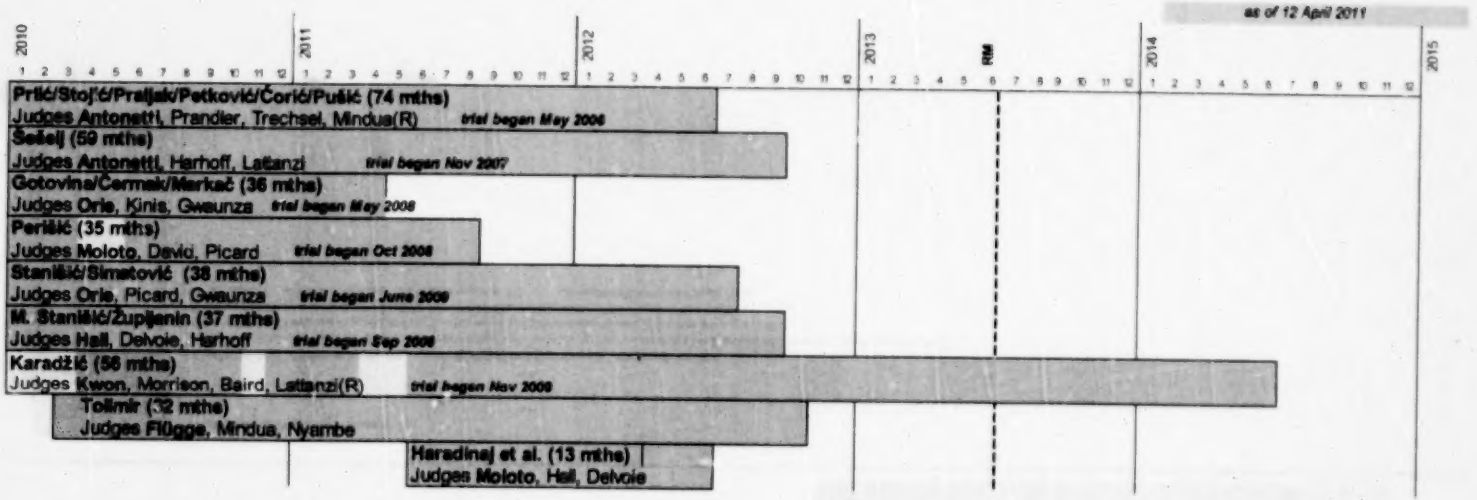
Enclosure I

Trial schedule of the International Tribunal for the Former Yugoslavia


as of 12 April 2011
2010
2011
2012
2013
2014
2015
RM
Prlić/Stojić/Praljak/Petković/Ćorić/Pušić (74 mths)
Judges Antonetti, Prandler, Trechsel, Mindua(R) trial began May 2006
Šešelj (59 mths)
Judges Antonetti, Harhoff, Lattanzi trial began Nov 2007
Gotovina/Čermak/Markač (36 mths)
Judges Orie, Kinis, Gwaunza trial began May 2008
Perišić (35 mths)
Judges Moloto, Davidi, Picard trial began Oct 2008
Stanišić/Simatović (38 mths)
Judges Orie, Picard, Gwaunza trial began June 2009
M. Stanišić/Župljanin (37 mths)
Judges Hall, Delvoie, Harhoff trial began Sep 2009
Karadžić (56 mths)
Judges Kwon, Morrison, Baird, Lattanzi(R) trial began Nov 2009
Tolimir (32 mths)
Judges Flügge, Mindua, Nyambe
Haradinaj et al. (13 mths)
Judges Moloto, Hall, Delvoie

Contempt proceedings (indictment or order in lieu of indictment filed):

1. IT-04-84-R77.1 Shefqet Kabashi (at large), indictment issued 5 June 2007
   Judges Orie, Moloto, Delvoie
2. IT-03-67-R77.3 Vojislav Šešelj, order in lieu of indictment issued on 3 February 2010
   Judges Kwon, Parker, Hall
3. IT-98-32/1-R77.2 Jelena Rašić, indictment confirmed 26 August 2010
   Judges Morrison, Hall, Delvoie

Fugitives: to be tried upon arrival
Mladić
Hadžić

Key: ongoing, adjournment, pre-trial, fugitive, re-trial

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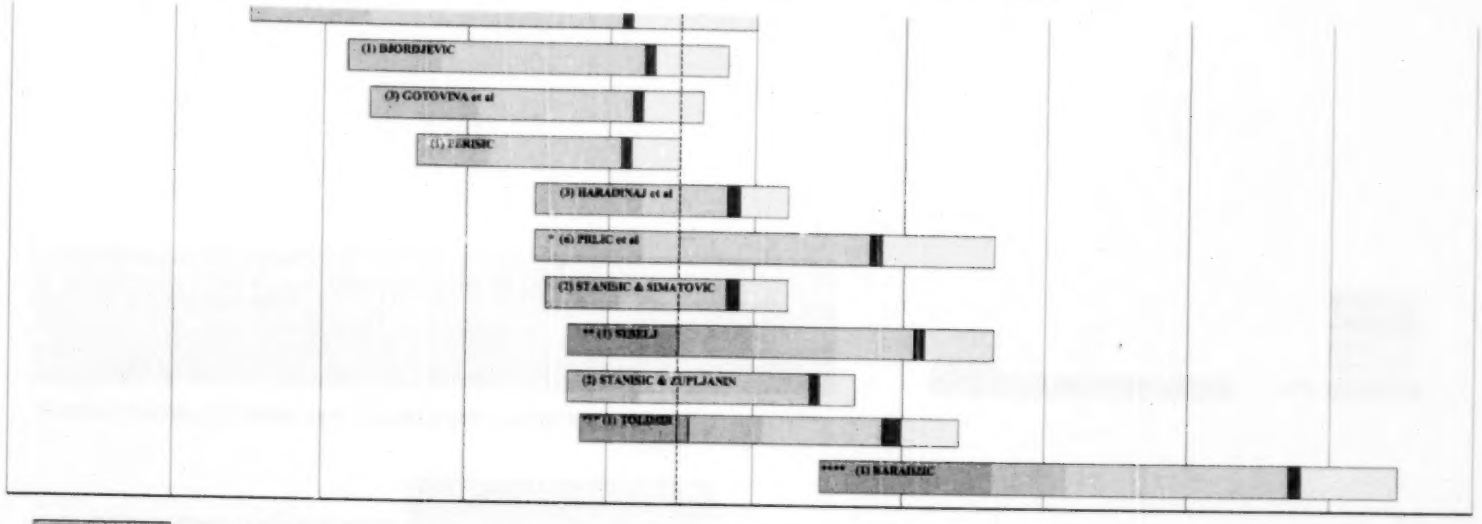
Enclosure II

Appeal schedule of the International Tribunal for the Former Yugoslavia



(including time for filing Notice of Appeal)

Extension due to TC Judgement translation *(only for the self represented accused and French benches)*

* *On the assumption that a solution is found to address the translation issues in this case, no extra time has been added for translation from French to English.*

** *Seselj: TC Judgement translation into BCS and English: 9 months (CLSS estimated number of UN standard pages 1000).*

*** *Tolimir: TC Judgement translation into BCS, 9 months (CLSS estimated number of UN standard pages 1000).*

**** *Karadzic: TC Judgement translation into BCS, 14 months (CLSS estimated number of UN standard pages 2000).*

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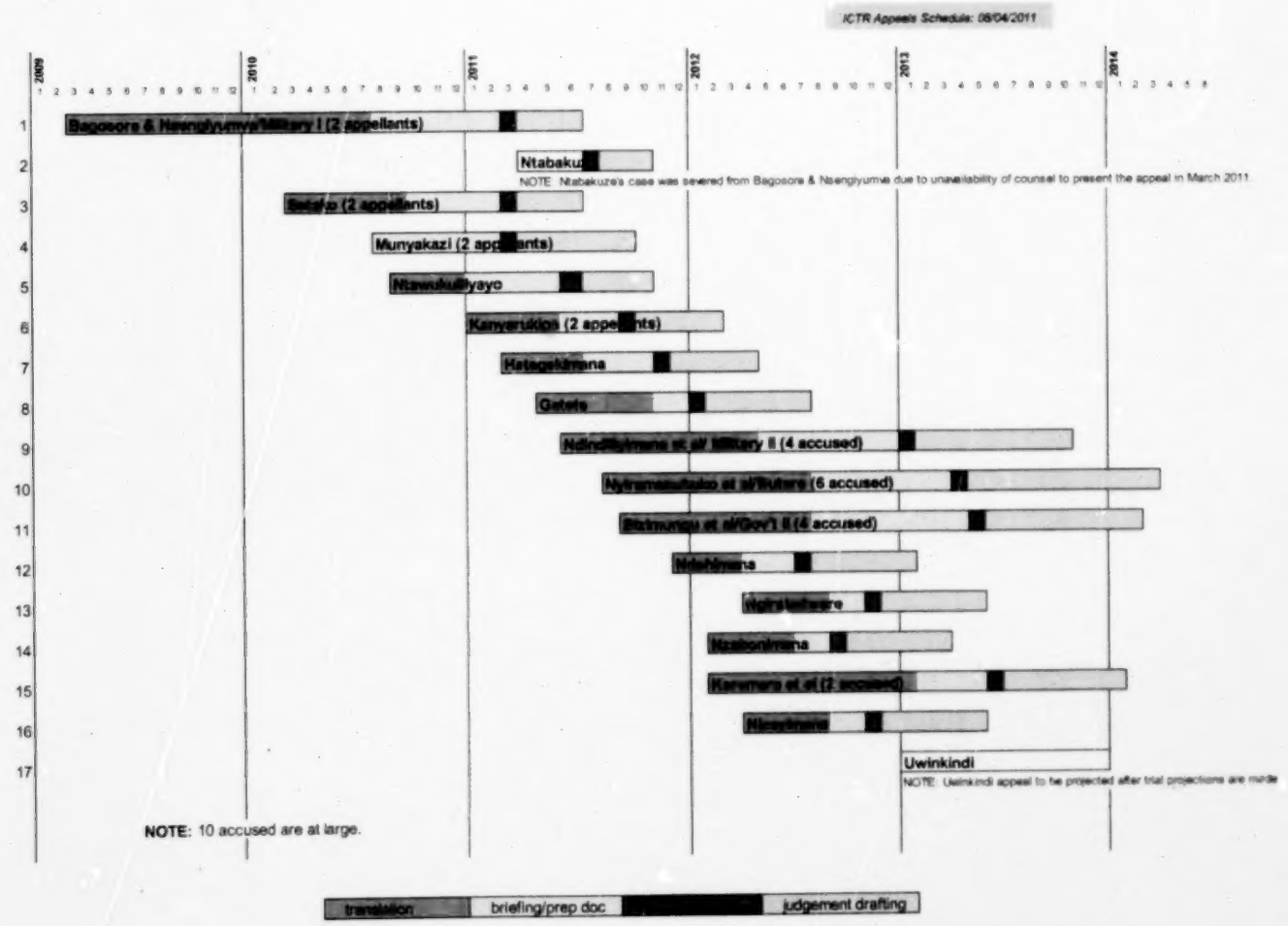
Enclosure III

Appeal schedule of the International Criminal Tribunal for Rwanda



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